

EXHIBIT B

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JAN 30 2024

PIERCE COUNTY, WASHINGTON
CONSTANCE R. WHITE, County Clerk
BY _____ DEPUTY

PIERCE COUNTY SUPERIOR COURT
STATE OF WASHINGTON

DEPARTMENT OF LABOR AND
INDUSTRIES OF THE STATE OF
WASHINGTON,

Plaintiff,

v.

GEO SECURE SERVICES, LLC,

Defendant.

No. 24 2 05626 8

COMPLAINT

The Plaintiff, Department of Labor and Industries of the State of Washington (L&I) by and through Robert Ferguson, Attorney General, and Anastasia Sandstrom, Senior Counsel, brings the following allegations, claims, and prayers for relief under RCW 49.17.075 and RCW 7.21.030.

I. PARTIES

1. L&I is a public agency responsible for the administration and enforcement of the Washington Industrial Safety and Health Act, RCW 49.17, and WAC 296. Under this authority, L&I has the authority to inspect workplaces to enforce workplace safety statutes and regulations.
2. Defendant, GEO Secure Services, LLC, (GEO) does business in Pierce County. It contracts with the U.S. Immigration and Customs Enforcement (ICE) to provide

1 detention management services at its Tacoma facility. The facility is called the
2 Northwest ICE Processing Center (NWIPC).

3 II. JURISDICTION AND VENUE

- 4 3. Venue is proper in Pierce County because L&I obtained the warrant in Pierce County
5 Superior Court for GEO's business operation in Pierce County.
- 6 4. Jurisdiction is proper under RCW 49.17.075 and RCW 7.21.030.

7 III. FACTUAL ALLEGATIONS

- 8 5. There are approximately 300,000 employers in Washington. L&I cannot inspect all
9 employers and must make decisions about what employers to inspect. Hence it uses the
10 technique of unannounced visits. WISHA provides that L&I doesn't need to give
11 advance notice to inspect a worksite. RCW 49.17.070(5). The right to unannounced
12 entry furthers important safety purposes. There is evidence that regulatory interventions
13 can improve occupational health and safety outcomes. The results of pooled analysis by
14 researchers provide strong evidence that L&I's Division of Occupational Health and
15 Safety inspection activities make a significant contribution to reducing claims rates and
16 costs in the period following the visit. Unannounced visits show the real working
17 conditions at a workplace. If an employer has a warning about the inspection, they may
18 create artificial conditions to hid misfeasance and then return to dangerous practices
19 after the inspectors leave.
- 20 6. The federal Occupational Safety and Health Act (OSH Act) sets occupational standards
21 for the country. 29 U.S.C. § 651. And states may only act under the authority of the
22 Occupational Health and Safety Administration (OSHA). 29 U.S.C. § 667(b).
- 23 7. L&I has adopted workplace standards and entry procedures under the authority of the
24 OSH Act. 29 U.S.C. § 667(b). The OSH Act authorizes states to administer their own
25 state safety plan if the standards meet or exceed federal standards. 29 U.S.C. § 667(b);
26 RCW 49.17.010. Washington has such a State Plan. RCW 49.17.010. The OSH Act's

1 delegation requires inspecting federal contractors, specifically GEO. In 2013, GEO
 2 settled with the Secretary of Labor to require state inspections in State Plan states of its
 3 facilities, including Washington.

4 8. GEO employees engage in a wide range of duties, including security guard and
 5 janitorial work.

6 9. L&I has routinely inspected GEO's workplace at the NWIPC. Unannounced
 7 inspections were performed in 2009, 2010, 2014, twice in 2020, 2021, and 2022. L&I
 8 has found safety violations on several occasions.

9 10. GEO allows other public entities to inspect its workplace. Tacoma-Pierce County
 10 Health Department (TPCHD) is a combined county-city health department that operates
 11 under RCW 70.05 and RCW 70.08. The TPCHD Communicable Disease Control
 12 division's principal responsibility is to prevent and control the spread of diseases in
 13 Pierce County. This work includes ensuring food in restaurants, schools, and other
 14 institutions in Pierce County is safe to eat. At the request of the GEO Group, TPCHD
 15 conducts food safety inspections at the Northwest Detention Facility in Tacoma and has
 16 done so since 2004." TPCHD conducts these inspections under WAC 246-215. When
 17 TPCHD staff conducts a food safety inspection at the NWIPC they do not call ahead or
 18 make appointments. It requires unannounced inspections. When food safety inspectors
 19 arrive, they provide their ID to facility staff, sign into a logbook, receive a badge to go
 20 through the metal detector, their bags are searched, and they receive a UV stamp on
 21 their wrist. Facility staff call the GEO kitchen manager, who escorts TPCHC staff
 22 throughout the facility. As of January 19, 2024, GEO has never required TPCHD staff
 23 to undergo a background check before entering the building.

24 11. In December 2023, L&I decided to investigate GEO's workplace as an unannounced
 25 programmed inspection for a hazardous workplace.
 26

12. On December 27, 2023, two Department inspectors sought entry to GEO's workplace. These inspectors had background checks. GEO denied the inspectors entry. GEO claimed that ICE told them not to allow L&I's inspection.

13. After GEO's refusal to allow L&I to inspect its workplace, L&I successfully sought a warrant for entry from the Pierce County Superior Court on December 29, 2023. The warrant is attached as Ex. 1. The warrant relied on the authority of RCW 70.395, RCW 49.17, and WAC 296. L&I now only pursues its authority under RCW 49.17 and WAC 296. Despite the warrant, GEO again denied L&I entry.

14. On January 4, 2024, the inspectors returned to the Pierce County Superior Court and obtained a warrant number for the warrant upon return.

15. Washington has a State Plan allowing it to enforce workplace safety regulations under the Occupational Health and Safety Act. 29 U.S.C. § 667(b); RCW 49.17.010.

16. In 2013, GEO settled with the U.S. Secretary of Labor to allow state plan states, including Washington, to enforce state workplace safety laws.

17. As of 2015, GEO's contract with ICE with respect to construction, operation, and maintenance required GEO follow applicable federal, state, and local laws, regulations, codes, guidelines, and policies. In the event of a conflict between federal, state, or local codes, regulations or requirements, the most stringent shall apply. In the event there is more than one reference to a safety, health, or environmental requirement in an applicable law, standard, code, regulation or Government policy, the most stringent requirement shall apply. The contract also provides that "[t]he Contractor shall comply with the requirements of the Occupational Safety and Health Act of 1970." This provision requires compliance with the State Plan settlement directing inspections of GEO's workplace in Washington by L&I. *See* 29 U.S.C. § 667(b).

18. In 2013, GEO settled with OSHA to provide for State Plan enforcement by Washington of the NWIPC.

IV. FIRST CLAIM FOR RELIEF

19. L&I realleges and incorporates by reference each and every allegation set for in the preceding paragraphs.
20. GEO is required to follow RCW 49.17.060. An employer owes to its employees a duty to provide a safe place to work. *LaRose v. King Cnty.*, 8 Wn. App. 2d 90, 123, 437 P.3d 701 (2019). WISHA requires an employer to “furnish to each of his or her employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his or her employees.” RCW 49.17.060(1). The duty to provide a safe workplace is non-delegable. *Ward v. Ceco Corp.*, 40 Wn. App. 619, 628-29, 699 P.2d 814 (1985).
21. As part of its non-delegable duty, GEO was required to further access to its workplace under RCW 49.17.070.
22. GEO did not further access to its workplace.
23. RCW 49.17.075 allows L&I to obtain a warrant to further access to a workplace.
24. L&I obtained a warrant on December 29, 2024.
25. GEO refused to comply with the warrant on the same date.
26. L&I is entitled to an order of contempt issued against GEO to allow entry and to cooperate with L&I regarding L&I’s inspection.
27. L&I is also entitled to injunctive relief to ensure entry and/or to cooperate with further unannounced inspections.

V. SECOND CLAIM FOR RELIEF

28. L&I realleges and incorporates by reference each and every allegation set for in the preceding paragraphs.
29. RCW 7.21.030 allows the superior court to issue an order of contempt to enforce its warrant order.
30. L&I is alternatively entitled to relief under RCW 70.395.

VI. PRAYER FOR RELIEF

1. L&I makes this claim against GEO, and prays for relief as follows:
2. For enforcement of the warrant.
3. For a contempt order against GEO requiring GEO to allow entry and/or to cooperate with L&I regarding L&I's inspection.
4. For sanctions, attorney fees and costs to be assessed against GEO.
5. For an injunctive order requiring GEO to comply with RCW 49.17, WAC 296, and RCW 70.395.
6. For such further and other relief the Court shall deem just and proper.

DATED this 30th day of January, 2024 by:

ROBERT FERGUSON
Attorney General



ANASTASIA SANDSTROM
Senior Counsel
WSBA No. 24163

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JAN 04 2024

PIERCE COUNTY, WASHINGTON
CONSTANCE R. WHITE, County Clerk
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

In Re:

WASHINGTON STATE
DEPARTMENT OF LABOR &
INDUSTRIES
950 Broadway, Suite 200, Tacoma, WA
98402

NO 24 150028
WISHA SAFETY AND HEALTH
INSPECTION ENTRY WARRANT

TO: GEO Secure Services LLC; it's Principals, Manager, Operator, or Agent in
charge;

AND TO: _

WHEREAS, the Director of the Department of Labor and Industries of the State of
Washington (Department), by and through its designated representative, compliance industrial
safety and health investigator (CISHI) Eric Smith, has applied for a safety and health inspection
entry warrant authorizing him or his authorized representative(s) to conduct a safety and health
inspection of the workplace of GEO Secure Services LLC, located at 1623 East J Street, Tacoma,
WA 98421; and

WHEREAS, it appearing that probable cause exists for the issuance of said warrant;

WISHA SAFETY AND HEALTH
INSPECTION ENTRY WARRANT

1

WASHINGTON STATE DEPARTMENT OF
LABOR & INDUSTRIES
950 Broadway Suite 200
Tacoma, WA 98402
253-596-3878

1 NOW THEREFORE, by the authority of this Court of the State of Washington, you are
 2 hereby commanded to allow entry into the workplace of GEO Secure Services LLC specified
 3 above, during regular working hours, or at other reasonable times, to allow the conducting
 4 therein of a safety and health inspection for the purpose of ascertaining and causing to be
 5 corrected any conditions presenting safety or health hazards to employees of GEO Secure
 6 Services LLC, under chapter 49.17 Revised Code of Washington (RCW), chapter 70.395 RCW
 7 and Title 296 of the Washington Administrative Code (WAC).

8 Specifically, you are commanded to allow the Director or his/her authorized
 9 representative to perform the following functions:

- 10 1. Inspect, survey and investigate all pertinent conditions, structures, machines,
 11 apparatus, devices, equipment, and materials.
- 12 2. To privately question any employer, owner, operator, agent, or employee for the
 13 purpose of obtaining data necessary to determine compliance with chapter 49.17
 14 RCW, chapter 70.395 RCW, and Title 296 WAC.
- 15 3. Take photographs, video tapes, audio tapes, samples and any other tests necessary to
 16 record or evaluate the safety and health conditions at the workplace.
- 17 4. Obtain copies of all pertinent documentation, including, but not limited to: accident
 18 prevention program, hazard communication program, personal protective equipment
 19 (PPE) hazard assessment, safety committee meeting records, and employee training
 20 records.
- 21 5. [Identify any other pertinent or necessary inspection activities here]

22 The Director of the Department, or his/her representative, shall execute this warrant
 23 within ten (10) days from the date issued and shall promptly return this warrant to the issuing
 24 court.
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1 The Director, or his/her representative, shall serve a copy of this warrant at the time of
2 authorized entry, upon an owner, agent, or representative of GEO Secure Services LLC.

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WISHA SAFETY AND HEALTH
INSPECTION ENTRY WARRANT

3

WASHINGTON STATE DEPARTMENT OF
LABOR & INDUSTRIES
950 Broadway Suite 200
Tacoma, WA 98402
253-596-3878

1 THIS SAFETY AND HEALTH ENTRY WARRANT IS AN ORDER OF THE COURT.
2 FAILURE TO HONOR THIS WARRANT MAY RESULT IN PUNISHMENT FOR
3 CONTEMPT OF COURT.
4
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6

7 12-29-2023
8 DATE


JUDGE'S SIGNATURE

10 9:20 AM
11 TIME ISSUED (A.M.)(P.M.)

GARCIE E. JOLLYMAN
Type or Print Judge's Name